

OFFICIAL COPY

Fresno, California

December 6, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Mike Dages	Council President
Absent:	Larry Westerlund	Councilmember (Out of town/Naval reservist on active duty)

Andy Souza, City Manager
Hilda Cantu Montoy, City Attorney
Chief Assistant City Attorney Jim Sanchez
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Reverend Bruce Hood of Feed My Sheep Ministries gave the invocation, and Councilmember Duncan led the Pledge of Allegiance.

SPCA PET OF THE MONTH - PRESIDENT DAGES

The pet of the month up for adoption, a 2 month old female Shepherd mix, was presented.

DISTRICT 7 STUDENT RECOGNITION AWARDS - COUNCILMEMBER PEREA

Presented.

APPROVE MINUTES OF NOVEMBER 29, 2005:

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of November 29, 2005, approved as submitted.

President Dages introduced Fresno Bee reporter Matt Leedy who will be covering city government.

COUNCIL MEMBER REPORTS AND COMMENTS:

FRESNO'S CHAFFEE ZOO CORPORATION MEETING - COUNCILMEMBER DUNCAN

Councilmember Duncan stated the meeting held last Thursday was very positive, advised Shari Rainwater was selected Chair and the lease Council approved was quickly approved on a unanimous vote, stated he advised employees in attendance that the transition was to be a win-win, Council would stand with them, and the City would be happy to work with them on any specific issues that may arise, and stated he strongly believed the Zoo was well on its way to becoming successful.

CONCERN WITH COMMENTS MADE TO THE MEDIA BY COUNCIL PRESIDENT DAGES ON THE FOREST CITY PROJECT AND PEOPLE MAYBE NOT WANTING TO COME DOWNTOWN - COUNCILMEMBER STERLING

146-187

12/6/05

Councilmember Sterling stated downtown was where the city was moving towards for future development and there were many people who would like to live downtown and remain downtown, expressed concern stating to make disparaging comments about the downtown area and a project that was going to move the city forward in leaps and bounds was a slap in the face to her district and she was insulted, stated she hoped President Dages would keep those kind of comments to himself as they were not reflective of the City Council, and added she would never speak negatively about any project in any district and would always be considerate. Councilmember Boyajian later spoke briefly to the issue.

LACK OF PROGRESS/IMPROVEMENT MADE BY OWNER OF THE BUILDING AT 802 VAN NESS AT INYO AND REQUEST STAFF KEEP COUNCIL INFORMED - COUNCILMEMBER CALHOUN

Request made.

COMMENDATION TO EVERYONE WHO PARTICIPATED IN, AND CONTRIBUTED TO, THE FRESNO HIGH HISTORIC COMMISSION HOME TOUR - COUNCILMEMBER BOYAJIAN

Commendation made.

DOWNTOWN AND IMPACT OF NEGATIVE COMMENTS - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian advised he has had his law office downtown for 30 years; stated downtown was the heart of the city, developers look to see what is going on downtown, and negative comments hurt; stated a failed downtown shows failure in bringing the city together; and stated the Forest City project was going to be a catalyst for the downtown area just like Running Horse is for that area.

(1) REQUEST STAFF TO FOLLOW UP ON REMOVAL OF TREES IN SOUTHEAST FRESNO; (2) COMMENDATION TO STAFF AND FAX FOR INSTALLING BUS STOPS IN THE CALWA AREA SO QUICKLY; (3) THANK YOU TO JET LIM FROM JUDY WRIGHT FOR KEEPING HER SUPPLIED WITH GRAFFITI REMOVAL SUPPLIES; AND (4) REQUEST STAFF LOOK INTO CALTRANS RELINQUISHING KINGS CANYON BETWEEN PEACH & CHESTNUT - PRESIDENT DAGES

Requests made and commendation/thank you extended.

APPROVE AGENDA:

(10:00 A.M.) CONTINUED HEARING ON PLAN AMENDMENT APPLICATION NO. A-04-01, REZONE APPLICATION NO. R-04-03, AND ENVIRONMENTAL FINDINGS, FILED BY THE STATE CENTER COMMUNITY COLLEGE DISTRICT AND THE CLOVIS UNIFIED SCHOOL DISTRICT, PROPERTY LOCATED NORTH AND SOUTH OF THE E. INTERNATIONAL AVENUE ALIGNMENT BETWEEN N. WILLOW AND N. CHESTNUT AVENUES (Continue to December 13, 2005, at 3:45 p.m.)

Continued as noted.

(5:00 P.M.) HEARING TO CONSIDER APPEAL OF ENVIRONMENTAL ASSESSMENT NO. C-04-332 RELATING TO THE PROPOSED CONSTRUCTION OF A BUILDING ADDITION ON THE CAMPUS OF SAINT ANTHONY PAROCHIAL ELEMENTARY SCHOOL AT 5680 N. MAROA AVENUE (Continue to 5:30 p.m. this date)

Continued as noted.

(1-A) RESOLUTION - APPROVING THE FINAL MAP OF TRACT NO. 5359 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, NORTH SIDE OF W. HERNDON BETWEEN N. FRUIT AND N. WEST AVENUE, AND AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

Removed from the agenda at the request of staff/to be rescheduled.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the **AGENDA** hereby approved, as modified, by the following vote:

146-188

12/6/05

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes : None
Absent : None

ADOPT CONSENT CALENDAR:

(1-B) CONSIDER THE PROPOSED SHIELDS-CORNELIA NO. 3 REORGANIZATION AND APPROVAL TO FILE WITH LAFCO
1. AFFIRM CITY COUNCIL ACTION OF MAY 17, 2005, ADOPTING THE ENVIRONMENTAL FINDING OF E.A. NO. R-04-82/T-5406, DATED MARCH 31, 2005, THAT THE PROJECT PROPOSAL CONFORMS TO THE PROVISIONS OF THE GENERAL PLAN MEIR
2. RESOLUTION NO. 2005-506 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED SHIELDS-CORNELIA NO. 3 REORGANIZATION

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, **Item 1-B** hereby adopted, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Dages
Noes : Boyajian
Absent : Westerlund

(1-C) BILL NO. B-145 - ORDINANCE NO. 2005-149 - AMENDING AND ADDING TO THE FRESNO MUNICIPAL CODE RELATING TO SIGN VIOLATIONS ON PUBLIC PROPERTY

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Bill No. B-145 adopted as Ordinance No. 2005-149, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Dages
Noes : None
Absent : Westerlund

(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED ORAL COMMUNICATION:

APPEARANCE BY DOUG VAGIM REQUESTING THE CITY CONTINUE WITH McCARTHY FAMILY FARMS AS THEIR BIOSOLIDS OPERATOR

Appearance/request made.

(2-A) BILL NO. B-147 - ADOPTING TEXT AMENDMENT NO. TA-05-02 - AMENDING THE TEXT OF THE ZONING ORDINANCE RELATING TO THE RELOCATION OF SINGLE FAMILY HISTORIC BUILDINGS AND THE INTERIOR SIDE YARD SETBACK FOR KEY LOTS

Planning & Development Director Yovino gave an overview of the issue, all as contained in the staff report as submitted, and recommended the bill be introduced.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Bill No. B-147 introduced before the City Council and laid over, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Dages
Noes : None
Absent : Westerlund

146-189

12/6/05

(2-B) BILL NO. B-148 - ADOPTING TEXT AMENDMENT NO. TA-05-03 - AMENDING THE TEXT OF THE ZONING ORDINANCE ADDING RESIDENTIAL/COMMERCIAL MIXED USE PROJECTS TO THE VARIOUS COMMERCIAL ZONE DISTRICTS

Planning & Development Director Yovino reviewed the issue, all as contained in the staff report as submitted, stated this was a major piece of planning legislation to implement the general plan and a lot of time and effort went into it, and stated he'd heard of no opposition and recommended approval.

Councilmember Boyajian stated this was a good step and presented questions/comments at length relative to there being a lot of conjecture/unknown impacts/so broad and general, how an EIR can be conducted on conjecture, what zone districts this would apply to, number of projects anticipated to be constructed, if projects will be mainly residential, where the central trading district was located, if CUPs will be required for some projects, if projects will be commercial with housing above **(2 - 0)**, if the central trading district was mainly around the downtown area, how districts that already have design guidelines (i.e. the Tower District) will be dealt with, how the guidelines will come into play, and if the director will still have some discretion.

Councilmember Duncan commended Mr. Yovino for all the hard work, clarified currently it is illegal to create housing over businesses and stated as downtown is being revitalized this will provide a unique urban environment of being able to live over your business, and stated this was a major and significant step to move the general plan forward, this was going to be a benefit to the city and was another step of getting away from 1960's planning, and made a motion to approve staff's recommendation. Councilmember Perea seconded the motion, commended all staff involved in making this happen, stated this had been talked about for some time and the department had reached a major milestone, and questioned if this would apply to Blackstone Avenue (with Mr. Yovino responding affirmatively) advising he had some developers interested in building some mixed-use projects in the Blackstone/Shields area. Mr. Yovino commended City Attorney Montoy and her staff stating this would not have been possible without them, and along with Ms. Montoy responded to questions and comments of Councilmember Calhoun relative to whether the broader design guidelines that are incorporated in the general plan would be impacted negatively, if there were any problems Council needed to be aware of, if staff has heard of any experiences or seen any cities that have stumbled with this, need to ensure enough checks and balances are in place, and if staff was comfortable with this. President Dages commended all involved and stated this was long overdue.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Bill No. B-148 introduced before the City Council and laid over, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Dages
Noes :	None
Absent :	Westerlund

(9:30 A.M.) RESOLUTION NO. 2005-507 - APPLYING TO LAFCO IN THE MATTER OF AN AMENDMENT TO INCLUDE THE "SOUTHEAST GROWTH AREA" WITHIN THE CITY'S SPHERE OF INFLUENCE (SOI) AND REAFFIRMING A FINDING BASED ON A NEW AND "EXPANDED" INITIAL STUDY, DATED SEPTEMBER 29, 2005, THAT THERE IS NO SUBSTANTIAL EVIDENCE IN THE RECORD TO INDICATE THAT APPROVAL OF THE "SOUTHEAST GROWTH AREA SOI AMENDMENT" MAY HAVE AN ADVERSE IMPACT ON THE ENVIRONMENT

Planning & Development Director Yovino gave an in-depth review of the issue, all as contained in the staff report as submitted, and recommended approval.

Mike Prandini, Executive Officer for the Building Industry Association, stated his support and advised the BIA would be present at LAFCO to support the city's application for sphere expansion.

Councilmember Calhoun spoke to the issue at length presenting questions/comments/concerns relative to him being left out of the loop on this and having to follow it in the media, Council never receiving a clear understanding on what happened nine months ago, concern with the same thing happening again, concern that the letter from Mr. Waiczis (LAFCO's executive officer) could be a problem, why staff's response to that letter was not part of this report, need to see who is right/wrong before approving anything, what was new in this application that was not submitted originally, if staff was reiterating their January position, what was different, and if the city attorney would be involved in the city's response letter, with City Manager Souza, Mr. Yovino and City Attorney Montoy responding and clarifying issues throughout.

146-190**12/6/05**

Councilmember Boyajian stated he did not support the matter originally due to what Mr. Waiczis was talking about, stated Mr. Waiczis was trying to help the city by asking that a study be done, added until the city does what LAFCO is asking for they will reject it again, and stated this was premature and EIR was needed for the area and elaborated.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2005-507 hereby adopted, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Dages
 Noes : Boyajian
 Absent : Westerlund

(3-A) DISCUSSION ON STATUS OF WORK BY THE MEASURE "C" COMMITTEE AND THE SELECTION AND PRIORITIZATION OF PROJECTS WHICH WILL PROVIDE MAJOR ECONOMIC BENEFITS TO THE CITY - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian stated there were some real issues downtown and he was not seeing any downtown projects being proposed, noted there was also nothing for the Freeway 99/Shaw ramps and spoke to the importance of considering projects that will benefit downtown and the entire city, read his list of 15 priority projects into the record that he wanted the committee to consider and look at the economic impacts (stating he would submit his list to staff), and presented questions relative to whether the committee was at the stage where they were looking at projects to include **(3 - 0)** and when projects would be finalized, with Assistant City Manager/Committee Member Rudd responding. Councilmember Perea encouraged Council members to look at the Tier 1 and Tier 2 projects and to inform either him or Mr. Rudd of any concerns and/or what they feel is important. Councilmember Duncan commended Councilmember Perea and Mr. Rudd for the job they are doing representing the city and upon his question Chief Assistant City Attorney Sanchez stated it would be appropriate for members to individually submit projects to the city's committee members for a response. Councilmember Calhoun also commended Mr. Sanchez and Mr. Rudd for doing a good job and keeping Council informed with COG meeting minutes; stated this was a sensitive process, a consensus building process was needed to move forward, and if council members started submitting huge "must do" lists that would play into not getting a two-thirds vote from the voters; and stated a message needed to be sent to the public that everyone was trying to do the right thing. President Dages stated he hoped the committee would not push for a 30 year tax as he felt the public would have a tough time supporting that, and spoke to the importance of the Peach Avenue project, with Mr. Rudd responding. There was no further discussion.

(10:15 A.M.) HEARING ON R-05-53 AND ENVIRONMENTAL FINDINGS, FILED BY DONALD W. SIMS, PROPERTY LOCATED ON THE SOUTH SIDE OF E. WHITESBRIDGE ROAD BETWEEN S. PUMAS AND S. THORNE AVENUE

1. CONSIDER AND ADOPT E.A. NO. R-05-53, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-149 - ORDINANCE NO. 2005-150 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM C-6 TO R-2-A

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Bernal reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Latrina Bowen, representing the applicant, stated she agreed with staff's recommendation and advised although the application was for R-2-A they intended to build high quality, affordable single family homes, with Mr. Bernal clarifying that was permissible.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Sterling commended the applicant stating he was constructing great affordable housing developments for the community and made a motion to approve staff's recommendation.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-53, dated August 18, 2005, that the project proposal conforms to the provisions of the General Plan MEIR

hereby approved, and the above entitled Bill No. B-149 rezoning the subject property adopted as Ordinance No. 2005-150, by the following vote:

146-191

12/6/05

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Dages
Noes : None
Absent : Westerlund

(10:30 A.M.) HEARING ON R-05-56 AND ENVIRONMENTAL FINDINGS, FILED BY RODOLFO CASTILLO, PROPERTY LOCATED ON THE NORTHEAST CORNER OF E. LAUREL AND S. WILLOW AVENUES

- 1.** CONSIDER AND ADOPT E.A. NO. R-05-56, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
- 2. BILL NO. B-150 - ORDINANCE NO. 2005-151** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-A TO R-1

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Trejo reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

On motion of President Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-56, dated September 29, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-150 rezoning the subject property adopted as Ordinance No. 2005-151, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Dages
Noes : None
Absent : Westerlund

(10:45 A.M.) HEARING ON R-05-76 AND ENVIRONMENTAL FINDINGS, FILED BY DAVID C. WONG, PROPERTY LOCATED ON THE NORTH SIDE OF E. WHITESBRIDGE ROAD BETWEEN S. PLUMAS AND S. THORNE

- 1.** CONSIDER AND ADOPT E.A. NO. R-05-76, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
- 2. BILL NO. B-151 - ORDINANCE NO. 2005-152** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM C-6 TO R-2-A

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Trejo reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

Councilmember Sterling stated this was another great development in the area and made a motion to approve staff's recommendation.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-76, dated September 29, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-151 rezoning the subject property adopted as Ordinance No. 2005-152, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Dages
Noes : None
Absent : Westerlund

RECESS - 10:50 A.M. - 4:30 P.M.

(4:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF NOVEMBER 15, 2005

146-192

12/6/05

On motion of President Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the Agency minutes of November 15, 2005, approved as submitted.

("A") RESOLUTION NO. 1668 - APPROVING RULES AND REGULATIONS FOR LAND ACQUISITION AND RELOCATION OF DISPLACED PERSONS DUE TO LAND ACQUISITION BY THE AGENCY (Agency action)

Project Manager Freeman gave an overview of the issue as contained in the staff report as submitted and recommended approval, and Executive Director Murphey responded briefly to questions of Chair Boyajian relative to why this action was necessary.

On motion of Member Duncan, seconded by Member Sterling, duly carried, RESOLVED, the above entitled Agency Resolution No. 1668 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	Westerlund

("B") REQUEST FOR UPDATE ON THE FOREST CITY PROJECT - PRESIDENT DAGES AND COUNCILMEMBER STERLING (Council and Agency action)

Executive Director Murphey gave an oral update report and a highlight of staff's work over the last 60 days. President Dages thanked Ms. Murphey for her report, stated he knew Bass Pro was one of the anchor tenants being considered but **(4 - 0)** wanted to see in the study if Forest City planned on having something unique downtown like a Pottery Barn or if they planned on having another Target, Best Buy, etc., stating he did not believe people would want to go downtown for services they receive up north, noted Forest City was investing serious money and he did not want to see this project take as long as the stadium, stated he also wanted to know how much taxpayer money was going to be invested, if Forest City would have their own parking or if parking would be paid by the consumer, and the number of businesses that will be taken out, and for the record clarified he was supportive of Forest City, of having a Bass Pro, of having urban outfitters, and of the project itself. Chair Boyajian stated a lot of the issues sounded like deal points and advised his concern was the confidentiality of retailers and asked staff to work on that with Forest City, with Ms. Murphey stating those issues would be brought back as part of the deal points and financial package in February. Councilmember Duncan concurred a unique project was needed and not a repeat of north Fresno as it would fail, added a unique destination was needed or he would not support the project and something new and different was needed to draw people from all over, and relative to timing concerns stated things were happening quicker than some other projects and he was impressed with staff's work adding the goal was to get this wrapped up as soon as possible. Chair Boyajian concurred a unique retail/housing project was needed and commended the administration for showing leadership by holding meetings and looking at this project as something Fresno needs. There was no further discussion.

The joint bodies adjourned their meeting at 4:51 p.m.

RECESS - 4:51 P.M. - 5:00 P.M.

(5:00 P.M.) CHRISTMAS TREE LIGHTING CEREMONY (2nd Floor Foyer)

Held.

(5:30 P.M.) HEARING TO CONSIDER AN APPEAL OF ENVIRONMENTAL ASSESSMENT NO. C-04-332, FINDING OF

CONFORMITY TO THE GENERAL PLAN MEIR, PURSUANT TO PUBLIC RESOURCES CODE SECTION 21151 OF THE CEQA GUIDELINES, RELATING TO THE PROPOSED CONSTRUCTION OF A BUILDING ADDITION ON THE CAMPUS OF SAINT ANTHONY PAROCHIAL ELEMENTARY SCHOOL AT 5680 N. MAROA AVENUE

1. RESOLUTION - UPHOLDING THE APPEAL ON E.A. NO. C-04-332 FINDING OF CONFORMITY (*Not adopted*)

2. **RESOLUTION NO. 2005-508** - DENYING THE APPEAL ON E.A. NO. C-04-332 FINDING OF CONFORMITY AND ADOPTING A FINDING OF CONFORMITY (*Staff and Planning Commission recommendation*)

President Dages announced the time had arrived to consider the issue and opened the hearing.

146-193

12/6/05

Planning Manager Haro clarified at issue this date was an appeal of the environmental assessment adopted by the planning commission, stated although issues related to the conditional use permit (CUP) would be discussed the CUP was not technically before Council as the district council representative chose not to bring it before Council, and spoke to the appellants choosing to have this heard by Council as the ultimate body. Management Analyst Zuniga gave an in-depth PowerPoint presentation on the issue which included site location, surrounding land uses, the proposed project, the appeal, the environmental assessment, and elaborated on aspects of the appeal.

Applicant representatives speaking in support of staff's recommendation, further to the project and related issues, and/or to planning issues/concerns raised by the appellants were: Tom Neumeier, 5095 N. College; Monsignor John Harguindeguy; John Ferdinandi, 7135 N. Van Ness; and Dirk Poeschel (**5 - 0**).

Appellant representatives speaking to the appeal and in opposition to the project citing safety, traffic, parking and noise concerns were: Attorney Richard Harriman, who submitted a written letter into the record and later spoke to it; Patricia Barr, 6014 N. Winchester; Ann Lantis, 315 W. Browning, who also submitted written material and photographs into the record; Marylen Karsted, 265 W. Browning, who submitted 5 photographs into the record; Marilyn Lang, 365 W. Browning; Grace Schiavone, 5665 N. Maroa; Dave Lantis, 315 W. Browning; Gene and Sophia Torres, 5649 N. Maroa; Robin Mattos, 209 E. Colonial Dr., Hanford, who submitted written material into the record; Betsy Tunnel, P.O. Box 127, Kingsburg; and Mr. Harriman, who stated he appreciated the efforts of the applicant to reach out to the appellants and referencing his letter submitted earlier spoke to the environmental review document not complying with the California Environmental Quality Act (CEQA) (**6 - 0**).

Speaking to the issue were: Brian Cameron, 591 W. Robinwood, support for the project; Russell Raypon, 8680 N. Glenn, support; Max Schoh, 5630 N. Van Ness Blvd., support; Karen Martinez, 5573 N. Del Mar, opposed; Robert Schiavone, 5665 N. Maroa, opposed; Ron Grossman, support; Georgie Bayden, support; Anita Chavez, 5154 W. Richert, support; and Warren Gitrol, 5640 N. Poplar, who suggested relocating the building more towards the center of the campus since the size was of concern.

Upon call, no one else wished to be heard and President Dages closed public testimony. President Dages then called for rebuttals from one representative on each side and Timothy Jones, 2445 Capitol Street, representing the applicant, stated opposing comments/concerns tended to focus on existing conditions that were addressed in the mitigation measures of the MEIR and elaborated; and Richard Harriman, representing the appellants, stated staff's analysis did not address the cumulative impacts of traffic.

President Dages closed the public hearing.

Councilmember Calhoun stated he spent a lot of time on this matter, heard from many people, knew the area and corners very well, was moved by all the healthy activity that goes on, and stated he found it sad that there was such a disagreement over something that was essentially so good for the community; stated he did not bring the CUP forth as he saw no grounds to do so; stated traffic was everywhere and traffic was an issue he gets more complaints on than anything else; and stated this was a great project, he did not see objections rising to the level of denying the project, and made a motion to deny the appeal as recommended by staff, which motion was seconded by Councilmember Duncan and later acted upon.

Lengthy discussion ensued. Assistant Public Works Director Kirn, Mr. Haro, Mr. Harriman, Mr. Jones and Chief Assistant City Attorney Sanchez clarified issues and/or responded to questions and comments of Councilmember Boyajian at length relative to the traffic review, traffic counts, if staff looked at cumulative impacts of the church or the gym, peak hour trips (**7 - 0**), impacts to Browning Avenue, parking concerns/requirements/standards, how the appellants interpreted CEQA and the MEIR, the petition signed by opposing neighbors (**with Mr. Harriman submitting the petition signed by 241 opposing the CUP into the record), why there were no restrictions placed on events/activities, if the proponents were saying there was no need for a traffic study, concurrent events, this being a great project but there being safety issues, if there were any statistics on traffic and accidents, if a study/cumulative analysis was conducted, if a safety

study was conducted, and which intersections were looked at.

Councilmember Duncan stated he respected those who wanted to see something else built there but stated he was kind of amazed this matter was before Council; upon his question Mr. Sanchez confirmed the streets surrounding St. Anthony's were public streets and citizens had a right to park on them; stated when you live on/near/adjacent to a busy street/school/church, etc. you know there will be traffic and events and spoke further to that issue; stated this was a no-brainer and spoke briefly to letters in support of the project received by St. Anthony fourth graders; and stated objections were okay but clarified concerns were addressed by staff who does a great job and wished St. Anthony's much luck.

146-194

12/6/05

For the record Mr. Sanchez clarified issues relative to (1) enforcement of parking conditions, and (2) standards of review that Council was to utilize in considering this project, and along with the Vice Principal of St. Anthony's, Monsignor Harguindeguy and Ms. Zuniga responded at length to questions of Councilmember Sterling relative to Baird School being included in the petition and if those issues should be presented to the Fresno Unified School District, what the capacity was at St. Anthony's school, if the school was looking to add to their enrollment, school assemblies/activities and what they do during bad weather, if consideration is given to concurrent school/church events, if there has ever been 5,000 people at the facility at one time, and parking and activities. Councilmember Sterling stated she would support staff's recommendation as concerns/issues had been mitigated, commended the church and parishioners on their fund-raising efforts, requested opponents work with the parishioners, and stated this was a great project and the expansion was needed for the children. President Dages noted he also received letters from students and shared some of their comments.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2005-508 denying the appeal and affirming the Planning Commission's action of September 21, 2005, approving the environmental finding of E.A. No. C-04-332, dated April 15, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Dages
Noes : None
Absent : Westerlund

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 8:42 p.m. having arrived and hearing no objections, President Dages declared the meeting adjourned.

Approved on the 13th day of December, 2005.

_____/s/_____
Mike Dages, Council President

ATTEST:_____/s/_____
Yolanda Salazar, Assistant City Clerk

146-195

12/6/05